

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

12 CV 04810

Curtis Lauderdale

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

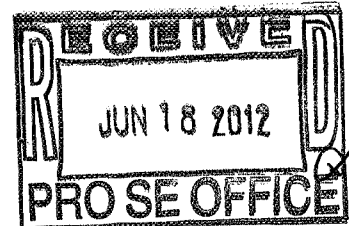
Police Officer Jonathan Hom (Shield #9652)

Jury Trial: ☒ Yes ☐ No  
(check one)

Police Officer George McFall (Shield #00680)

Wyatt O'Day

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Curtis Lauderdale  
Street Address [REDACTED]  
County, City Kings County, Brooklyn  
State & Zip Code New York 11206  
Telephone Number [REDACTED]

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Police Officer Jonathan Hom (Shield #9652)  
 Street Address 233 West 10<sup>th</sup> Street  
 County, City New York  
 State & Zip Code NY, 10014  
 Telephone Number (212) 741-4811

Defendant No. 2 Name Police Officer George McFall (Shield #00680)  
 Street Address 233 West 10<sup>th</sup> Street  
 County, City New York  
 State & Zip Code N.Y., 10014  
 Telephone Number (212) 741-4811

Defendant No. 3 Name Wyatt O'Day  
 Street Address 548 Riverside Drive Apt. #3B  
 County, City Manhattan  
 State & Zip Code New York, 10027  
 Telephone Number \_\_\_\_\_

Defendant No. 4 Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

## II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? My civil rights as provided in the Constitution  
were violated

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

**III. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? 10<sup>TH</sup> Avenue & Little West 12<sup>TH</sup> Street in the County and State of New York

B. What date and approximate time did the events giving rise to your claim(s) occur? On April 13, 2012 at about 12:56 AM

C. Facts: On April 13, 2012 at about 12:56 AM, I, Curtis Lauderdale, was approached by a Mr. Wyatt O'Day who asked me if I knew where he could get drugs (cocaine). I, Curtis Lauderdale, told Mr. Wyatt O'Day that I did not know where he could get drugs and told Mr. Wyatt O'Day to leave me alone. Mr. Wyatt O'Day proceeded to follow me. I, Curtis Lauderdale, repeatedly told Mr. Wyatt O'Day to stop following me but he continued to do so, at which time Police Officer Jonathan Hom and Police Officer George McFall pulled alongside us in an unmarked vehicle. From inside the vehicle Police Officer George McFall (on the passenger side) yelled "What are you guys doing?" Both Police Officers then stepped out of the vehicle and approached myself and Mr. Wyatt O'Day. At this time, I, Curtis Lauderdale, and Mr. Wyatt O'Day were on the corner of 10<sup>TH</sup> Ave. & Little West 12<sup>TH</sup> Street. As the Police Officer approached me, I held my hands in the air and away from my body. The police officer then searched me for drugs and placed handcuffs on me, although I did not have any drugs on me, and there was no plausible cause for arrest. As a result, I feel that my 4<sup>TH</sup>, 6<sup>TH</sup>, and 14<sup>TH</sup> constitutional rights were violated under the practice of stop & frisk.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

IV. Injuries: and 14<sup>TH</sup> constitutional rights were violated under the practice of stop & frisk.

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

As a result of being wrongfully incarcerated, I suffered from a series of health problems while detained at Rikers Island stemming from consumption of food containing rodent feces. The doctors at Rikers Island were unable to help me although I repeatedly sought medical assistance while detained. Due to the incompetence of the medical practitioners at Rikers Island, I was forced to plead guilty so that I could be released from prison and seek proper medical treatment elsewhere, although I was not guilty of the crime I was wrongfully accused of.

**V. Relief:**

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. At this time, I would like the court to have Police Officer Jonathan Horn (Shield #9652), Police Officer George McFall (Shield #00680), and Mr. Wyatt O'Day to pay damages in the amount of \$12,000,000 (twelve million dollars) US currency for mis-information about myself, Curtis Lauderdale, concerning the sale of a controlled substance, when in fact, I had no drugs, and therefore, there was no basis for arrest. As a result, I feel that my 4<sup>TH</sup>, 6<sup>TH</sup>, and 14<sup>TH</sup> Constitutional rights were violated under the practice of stop and frisk and that I was a victim of racial profiling.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 18 day of June, 2012

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

**For Prisoners:**

I declare under penalty of perjury that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: \_\_\_\_\_

Inmate Number \_\_\_\_\_